



THE UNIVERSITY OF
SYDNEY

Sydney Centre for International Law “Year in Review” Conference: Looking back at 2022

Program



Friday 17 February 2023

Location: [Sydney Law School](#), Common Room, Level 4, New Law Building (F10),
Eastern Avenue, Camperdown



9am	Conference starts
9.15am	Welcome to Country Michael West (<i>Metropolitan Local Aboriginal Land Council</i>) Welcome remarks Professor Simon Bronitt (<i>Dean of Sydney Law School</i>) Professor Stacie Strong (<i>Professor of Comparative and Private International Law, Co-Director, Sydney Centre for International Law, the University of Sydney</i>)
9.30am	Keynote: “A Conversation on the war in Ukraine and the uses of international law” Professor Gerry Simpson (<i>Chair in Public International Law, London School of Economics</i>), in conversation with Professor Emily Crawford (<i>Sydney Law School, University of Sydney</i>)
10. 15am	Morning Tea <i>Level 4 bridge</i>
10.40am	Panel: ‘Russia’s aggression in Ukraine’ Chair: Dr. Tamer Morris (<i>Sydney Law School, University of Sydney</i>) His Excellency Mr Vasyl Myroshnychenko (<i>Ambassador of Ukraine to Australia</i>), “A Ukrainian perspective” Professor Kimberley Trapp (<i>Professor of Public International Law, University College London</i>), “Past and present litigation strategies relating the conflict in Ukraine” Professor Mary Crock (<i>Sydney Law School, University of Sydney</i>), “Australia’s response to refugees in 2022”
12pm	Lunch <i>Level 4 bridge</i>
12.45pm	Australia and international law Chairs: Professor Stacie Strong (<i>Professor of Comparative and Private International Law, Co-Director, Sydney Centre for International Law, the University of Sydney</i>), and Dr Rosemary Grey (<i>Co-Director, Sydney Centre for International Law, University of Sydney</i>) Mr Jesse Clarke (<i>First Assistant Secretary (A/g) International Law & Human Rights Division Attorney-General’s Department</i>) “Australia’s engagement with international disputes” Ms Marie-Charlotte McKenna (<i>Assistant Secretary, International Law Branch, Department of Foreign Affairs and Trade, Australia</i>) “DFAT international law practice”



1.30pm	<p>Panel on international law developments in 2022 Chair: Professor Ben Saul (<i>Challis Chair of International Law, University of Sydney</i>)</p> <p>Professor Charles Jalloh (<i>Florida International University and member of the United Nations International Law Commission</i>), “Current work of the International Law Commission”</p> <p>Professor Alex Mills (<i>Professor of Public and Private International Law, University College London</i>), “Current developments in state immunities”</p> <p>Associate Professor Ed Couzens (<i>Sydney Law School, University of Sydney</i>), “Earthshattering developments in international environmental law that you absolutely MUST know about”</p>
3pm	<p>Afternoon Tea <i>Level 4 bridge</i></p>
3.20pm	<p>Panel on investor-state dispute settlement in 2022 Chair: Professor Chester Brown (<i>Professor of International Law and International Arbitration, Sydney Law School, University of Sydney</i>)</p> <p>Dr Jonathan Bonnitcha (<i>Associate Professor in Law, UNSW</i>)</p> <p>Dr Luke Nottage (<i>Professor of Comparative and International Business Law, Sydney Law School</i>), “Australia’s (dis)engagement with investor-state dispute settlement”</p> <p>Dr Elizabeth Shergold (<i>Monash University</i>)</p>
4.30pm	<p>Final remarks Dr Rosemary Grey (<i>Co-Director, Sydney Centre for International Law, University of Sydney</i>)</p>



About the Speakers



Professor Gerry Simpson, London School of Economics

Gerry Simpson was appointed to a Chair in Public International Law at the LSE in January, 2016. He previously taught at the University of Melbourne (2007-2015), the Australian National University (1995-1998) and LSE (2000-2007) and has held visiting positions at ANU, Melbourne, NYU and Harvard. He is the author of *Great Powers and Outlaw States* (Cambridge, 2004), winner of the American Society of International Law Annual Prize for Creative Scholarship in 2005 and *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity 2007), and co-editor (with Kevin Jon Heller) of *Hidden Histories* (Oxford, 2014) and (with Raimond Gaita) of *Who's Afraid of International Law?* (Monash, 2016). His most recent book is *The Sentimental Life of International Law: Literature, Language and Longing in Global Politics* (Oxford, 2021). Gerry is now writing a meditation on nuclearism entitled: *The Atomics: My Nuclear Family at the End of the Earth*. Gerry is a Fellow of the British Academy.



Professor Emily Crawford, University of Sydney

Emily Crawford is a Professor at the University of Sydney Law School, where she teaches and researches in international law, international humanitarian law and international criminal law. She has published widely in the field of international humanitarian law, including three monographs (*The Treatment of Combatants and Insurgents under the Law of Armed Conflict* (OUP 2010), *Identifying the Enemy: Civilian Participation in Hostilities* (OUP 2015) and *Non-Binding Norms in International Humanitarian Law: Efficacy, Legitimacy and Legality* (OUP 2021)) and a textbook (*International Humanitarian Law* (with Alison Pert, 2nd edition, CUP 2020)). She is an associate of the Sydney Centre for International Law at the University of Sydney, and a co-editor of the *Journal of International Humanitarian Studies*.

Dr Tamer Morris, University of Sydney

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His Excellency Mr Vasyl Myroshnychenko, Ambassador of Ukraine to Australia

Vasyl Myroshnychenko resumed the functions of the Ambassador of Ukraine to Australia on April 1, 2022. He briefly served as an Advisor to the Minister of Defence of Ukraine in March-April of 2002.

Between May 2021 and July 2022, Vasyl served as a member of the Supervisory Board of the Ukrainian Institute, a cultural diplomacy outfit of the Ministry of Foreign Affairs of Ukraine.

Prior to joining the Foreign Service, he was an active business and civil society leader in Ukraine. From 2006 to 2022, he was a Partner at CFC Big Ideas, a Kyiv-based strategic communications company. He has 20 years of experience advising clients on corporate communications, public affairs and reputation management. Vasyl advised many multinational companies and domestic industry leaders across various sectors.

Vasyl is a co-founder of Ukraine Crisis Media Center, a media NGO set up in early March of 2014 aimed at amplifying Ukraine's voice internationally. He was in charge of numerous projects and campaigns during 2014-2019. In 2015-2016, he was a Head of Board of Professional Government Association, an NGO which has united Ukrainian alumni of the Western Universities with a goal of mobilizing talent for the economic, legal and judicial reforms in Ukraine. He sat on the board of the Ukrainian-British City Club, a London-based organisation promoting UK-Ukraine trade and investment relations between 2007-2022.

In 2018, Vasyl was a Marshall Memorial Fellow, a prestigious leadership program of the German Marshall Fund of the United States.

In 2002-2004, Vasyl was a President of the European Youth Parliament-Ukraine, an international youth NGO.

He was a Chevening Scholar and earned MSc in Politics of the World Economy from the London School of Economics and Political Science (2006, UK). He also holds MA and BA degrees in international relations from Institute of International Relations, Kyiv National Shevchenko University (2002, 2003). Vasyl is a graduate of the Global Village for Future Leaders of Business and Industry program at Iacocca Institute, Lehigh University (2002, USA) and Swedish Institute Management Program (Sweden, 2009) and a two-week intensive course on public affairs and advocacy from the Center of Congressional and Presidential Studies at American University in Washington, DC (USA, 2014).

Vasyl has two children and is married to Liana Myroshnychenko.



Professor Kimberley Trapp, University College London

Kimberley Trapp is Professor of Public International Law at the Faculty of Laws, UCL. She served as the Faculty's Vice-Dean (International) from 2018-2022.

Kimberley obtained a BA (philosophy), BCL and LLB (all with great distinction) from McGill University, and an LL.M and PhD from the University of Cambridge. During her doctoral studies, Kimberley clerked for Vice-President Al-Khasawneh and Judge Simma at the International Court of Justice. Kimberley collaborates as an academic advisor on issues of international humanitarian and human rights law with various NGOs and Government departments, has published in leading academic journals and edited collections on issues relating to the use of force, State responsibility, international humanitarian law, terrorism suppression, and the settlement of international disputes, and has presented related scholarship at various forums, including the Annual Meetings of ANZIL, CCIL, and ASIL. Kimberley is co-editor of the OUP 'Elements of International Law' book series, a member of the Academic Review Board of the Cambridge International Law Journal, Board of Editors of the Journal on the Use of Force and International Law and serves on the Advisory Board of the McGill Journal of International Law & Legal Pluralism.



Professor Mary Crock, University of Sydney

Emily Crawford is a Professor at the University of Sydney Law School, where she teaches and researches in international law, international humanitarian law and international criminal law. She has published widely in the field of international humanitarian law, including three monographs (*The Treatment of Combatants and Insurgents under the Law of Armed Conflict* (OUP 2010), *Identifying the Enemy: Civilian Participation in Hostilities* (OUP 2015) and *Non-Binding Norms in International Humanitarian Law: Efficacy, Legitimacy and Legality* (OUP 2021)) and a textbook (*International Humanitarian Law* (with Alison Pert, 2nd edition, CUP 2020)). She is an associate of the Sydney Centre for International Law at the University of Sydney, and a co-editor of the *Journal of International Humanitarian Studies*.



Prof. S.I. Strong, University of Sydney Law School

Prof. S.I. Strong specializes in international dispute resolution and comparative law, with a particular emphasis on international commercial arbitration and large-scale (class and collective) suits. Prior to joining the University of Sydney, Prof. Strong taught at the Universities of Cambridge and Oxford in the United Kingdom as well as Georgetown Law Center and the University of Missouri in the United States.

Prof. Strong is an experienced practitioner, having acted as Counsel at Baker & McKenzie after working as a dual-qualified lawyer (U.S. attorney and English solicitor) in the New York and London offices of Weil, Gotshal & Manges. Prof. Strong has published over 130 award-winning books, chapters and articles in Europe, Asia and the Americas, including *Legal Reasoning Across Commercial Disputes: Comparing Judicial and Arbitral Analyses* (2020), *Arbitration of Trust Disputes: Issues in National and International Law* (2016), *Class, Mass, and Collective Arbitration in National and International Law* (2013) and *Research and Practice in International Commercial Arbitration: Sources and Strategies* (2009), all from Oxford University Press, as well as the entirely bilingual *Comparative Law for Spanish-English Speaking Lawyers: Legal Cultures, Legal Terms and Legal Practices / Derecho comparado para abogados anglo- e hispanoparlantes: Culturas jurídicas, términos jurídicos y prácticas jurídicas* from Edward Elgar Publishing (2016, lead author with Katia Fach Gómez and Laura Carballo Piñeiro) and *International Commercial Arbitration: A Guide for U.S. Judges* (2012) from the Federal Judicial Center, the research and education arm of the U.S. federal judiciary.

Prof. Strong's scholarly work has been translated into Spanish, French, Russian and Chinese and has been cited as authority by numerous state and federal courts and international tribunals. Prof. Strong, who holds a Ph.D. in law from the University of Cambridge, a D.Phil. from the University of Oxford, a J.D. from Duke University, an M.P.W. from the University of Southern California and a B.A. from the University of California, Davis, sits as an arbitrator on a variety of international commercial and trust-related matters.

Dr Rosemary Grey, University of Sydney



Dr Rosemary Grey is a Senior Lecturer at Sydney Law School, and Co-Director of the Sydney Centre for International Law. She is also an active member of the Sydney Southeast Asia Centre in the University of Sydney. Her research focuses on gender and international criminal law, particularly in the International Criminal Court (ICC) and Extraordinary Chambers in the Courts of Cambodia (ECCC). Her book, *Prosecuting Sexual and Gender-Based Crimes in the International Criminal Court*, was published by Cambridge University Press in 2019. She has been invited to present her research at international forums including the ICC Assembly of States Parties and the ICC Office of the Prosecutor.

Rosemary's current research is funded by two Australian Research Council (ARC) grants for her DECRA project, *Reproductive Crimes in International Law: Lesson from Cambodia*, and a Discovery Project titled, *Reimagining Judging in International Criminal Courts: A Gendered Approach*.

Rosemary has taught courses in public international law, international criminal law and domestic criminal law, and has consulted and interned for key organisations in the international criminal justice field, including Amnesty International, Women's Initiatives for Gender Justice, the International Bar Association, and the ICC.



Mr Jesse Clarke, First Assistant Secretary (A/g) International Law & Human Rights Division Attorney-General's Department)

Jesse Clarke is the acting First Assistant Secretary of the International Law & Human Rights Division in the Attorney-General's Department where he is responsible for the Office of International Law, the Human Rights Branch and the Modern Slavery & Human Trafficking Branch. Previously, Jesse was an Assistant Secretary in the Office of International Law where he was responsible for practice groups providing advice on international humanitarian law and security, international criminal law, cyber and intelligence law, human rights and refugee law, jurisdiction, immunities and international organisations. He is also Agent in Australia's proceedings against Russia in the International Civil Aviation Organisation for the downing of Malaysian Airlines Flight MH17 and for Australia's intervention in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* before the International Court of Justice.

As a dual national, Jesse worked as a legal adviser for the United Kingdom Foreign & Commonwealth Office from 2007-2015, including serving as First Secretary (Legal Affairs) at the UK Mission to the United Nations in New York from 2012-2015 where he advised on a wide range of international legal issues arising from the UK's foreign policy priorities at the UN. In 2011-2012, Jesse spent a year as a Visiting Lecturer at Harvard Law School where he taught courses on Government Lawyering and International Law. He previously worked in private practice in New York and London and served as an Associate to the Hon. Justice Michael Kirby of the High Court of Australia.

Jesse holds an LL.M. (International Law) from the University of Cambridge and an LL.B. and B.A. (Hons. Government) from the University of Sydney.

Ms Marie-Charlotte McKenna, Assistant Secretary, International Law Branch, Department of Foreign Affairs and Trade, Australia

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Professor Ben Saul, University of Sydney

Professor Ben Saul is Challis Chair of International Law at the University of Sydney and an Associate Fellow of Chatham House (the Royal Institute of International Affairs) in London. He was the Gough Whitlam and Malcolm Fraser Visiting Professor of Australian Studies at Harvard University in 2019.

He has published 20 books, over 100 refereed articles, and hundreds of other publications; made hundreds of scholarly presentations; and been awarded millions of dollars of research grants (including an Australian Research Council Future Fellowship). His research has been used in international and national courts and he has been involved in over 130 parliamentary inquiries. His book *Defining Terrorism in International Law* (2006) is the leading work on the subject, and he is lead author of the *Oxford Commentary on the International Covenant on Economic, Social and Cultural Rights* (2014), awarded a Certificate of Merit by the American Society of International Law. His latest book is *The Oxford Handbook on International Law in Asia and the Pacific* (2020).

Ben has taught law at Oxford, Harvard, The Hague Academy of International Law and in China, India, Nepal, Cambodia and Italy. He has also been a visiting professor at the Max Planck Institute for International Law, and the Raoul Wallenberg Institute of Human Rights; and given lectures at Cambridge, NYU, LSE and for the UN Audio Visual Library of International Law.

Professor Charles Jalloh, Florida International University and member of the United Nations International Law Commission

Dr. Charles C. Jalloh is Distinguished University Professor at Florida International University (FIU), South Florida's public law school, a member of the UN International Law Commission, where he was elected by his peers as Chair of the Drafting Committee for the 70th (2018) session and General Rapporteur for the 71st (2019) session. He is Founding Editor of the *African Journal of Legal Studies* and the *African Journal of International Criminal Justice* and a member of the Board of Editors of the *American Journal of International Law*.

Called to the Bar in 2004, he has advised governments and international organizations on issues of domestic and international law and appeared in proceedings before international tribunals. His practice experience includes as counsel in the Canadian Department of Justice, the Department of Foreign Affairs and International Trade, an associate legal officer in the UN International Criminal Tribunal for Rwanda working on high profile cases involving the 1994 Rwandan genocide, a legal adviser in the Special Court for Sierra Leone where he was duty counsel and head of the public defender's office in The Hague trial of former Liberian President Charles Taylor, and as a visiting professional, in the International Criminal Court (ICC).





Professor Alex Mills, University College of London

Professor Mills' research covers a range of issues in and around the fields of Public International Law and Private International Law (also known as the Conflict of Laws). In Private International Law, his research covers all core topics, including jurisdiction, choice of law and the recognition and enforcement of judgments, with a focus on commercial disputes. In Public International Law, his research has focused on questions of jurisdiction, state immunity, and international investment law, but his teaching has extended to a range of topics including sources, statehood, dispute settlement, and questions of the constitutionalisation and fragmentation of international law. His research also encompasses International Commercial Arbitration, with a focus on issues of jurisdiction, admissibility, applicable law, and the relationship between courts and arbitral tribunals. He is also interested in areas of international legal research and practice which challenge traditional disciplinary boundaries, including foreign relations law, global governance, and transnational (non-state) law.

Professor Mills is the author of books on *The Confluence of Public and Private International Law* (Cambridge University Press, 2009) and *Party Autonomy in Private International Law* (Cambridge University Press, 2018), and a co-author of *Cheshire North and Fawcett's Private International Law* (15th edition, Oxford University Press, 2017). He is one of the specialist editors of *Dicey, Morris and Collins on the Conflict of Laws* (16th edition, Sweet and Maxwell, 2022), with particular responsibility for the law on the recognition and enforcement of foreign judgments (under both English law and the Brexit transitional rules) and for choice of law in property.



Associate Professor Ed Couzens, Sydney Law School

Ed Couzens joined the University of Sydney Law School in 2015 from the School of Law, University of KwaZulu-Natal, Durban, South Africa, where he lectured for 14 years and held the position of Associate Professor from 2009. He is an attorney of the High Court, South Africa; and holds the degrees of BA Hons LLB (from the University of the Witwatersrand), LLM Environmental Law (awarded jointly by the Universities of Natal and Nottingham), and PhD (from the University of KwaZulu-Natal).



Professor Chester Brown, University of Sydney

Professor Chester Brown is Professor of International Law and International Arbitration at the University of Sydney Law School, and the Law School's Director of Global Engagement. He is also a Barrister at 7 Wentworth Selborne Chambers, Sydney, and an Overseas Member of Essex Court Chambers, London. He teaches and researches in the fields of public international law, international dispute settlement, international arbitration, international investment law, and private international law. He also maintains a practice in these fields, and has been involved as counsel, expert, and arbitrator in various proceedings, including before the International Court of Justice, the Iran-United States Claims Tribunal, inter-State and investor-State tribunals, as well as in inter-State conciliation proceedings, international commercial arbitrations, and domestic court proceedings.



Dr Jonathan Bonnitcha, University of New South Wales

Jonathan is an Associate Professor in Law. His primary area of research interest is international economic governance, with a particular interest in investment treaties. Much of his research is inter-disciplinary, drawing on perspectives from the disciplines of economics and political science.

Prior to joining UNSW Law Jonathan lived in Myanmar, where he worked as an advisor to the Myanmar Government on investment governance. For several years he also worked for the Australian Attorney General's Department, as a member of the team that successfully defended a multi-billion dollar challenge to Australia's tobacco plain packaging laws brought under an investment treaty.

Jonathan holds the degrees of DPhil, MPhil and BCL from the University of Oxford, where he studied as a Rhodes scholar, and the degrees of LLB and BEc (Soc Sci) from the University of Sydney, where he graduated with the University Medal in Political Economy and the Convocation Medal.



Dr Luke Nottage, University of Sydney

Dr Luke Nottage is Professor of Comparative and Transnational Business Law at Sydney Law School, specialising in arbitration, contract law, consumer product safety law and corporate governance, with a particular interest in Japan and the Asia-Pacific. He is founding Co-Director of the Australian Network for Japanese Law (ANJEL) and Associate Director of the Centre for Asian and Pacific Law at the University of Sydney. He is also Managing Director of Japanese Law Links Pty Ltd and Special Counsel at Williams Trade Law.



Dr Elizabeth Sheargold, Monash University

Elizabeth Sheargold is a Senior Lecturer in the Faculty of Law at Monash University. Her research is primarily in the field of international economic law, with a particular interest in the intersection between international trade and investment agreements and environmental policy, including climate policy and natural resource management. In addition, she is currently working on a project funded by the Department of Defence titled *Australia and Weaponised Trade: Threats and Responses*.

Her previous academic roles include being a Vice-Chancellor's Postdoctoral Research Fellow at the University of Wollongong, a research fellow with the Global Economic Law Network at the University of Melbourne and an Associate Director of the Center for Climate Change Law at Columbia University. She has also practised law in the Melbourne office of Allens Arthur Robinson (now Allens Linklaters) and as a Legal Adviser to Judge O. Thomas Johnson at the Iran – United States Claims Tribunal in The Hague. She completed her BA/LLB (Hons) and PhD at the University of Melbourne, and her LLM at Columbia University.